

SENATE BILL 131

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E4

2003 Regular Session  
(3r1435)

**ENROLLED BILL**  
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Brinkley**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Sheriffs - Disposal of Property - Holding Period**

3 FOR the purpose of altering the period of time ~~that certain guidelines shall provide~~  
4 ~~that require a sheriff to hold abandoned, lawfully confiscated, or recovered~~  
5 ~~property before the sheriff may give notice for the sale of the property,~~  
6 prescribed under certain guidelines, that certain property is required to be in the  
7 possession of the sheriff before the sheriff is required to give certain notice of the  
8 sale of the property to certain persons and certain lienholders; and generally  
9 relating to the disposal of property by a sheriff.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 2-311  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Courts and Judicial Proceedings**

4 2-311.

5 (a) The sheriff of a county may establish and administer reasonable guidelines  
6 in accordance with this section for disposing of abandoned, lawfully confiscated, or  
7 recovered property that is in the possession of the sheriff's office.

8 (b) The guidelines shall provide that:

9 (1) *(I)* After LAWFULLY CONFISCATED property has been in the  
10 possession of the sheriff for a period of ~~one year~~ 90 DAYS, notice of the sale of the  
11 property shall be given by registered or certified mail to those persons entitled to its  
12 possession and to those lienholders whose names and addresses can be ascertained by  
13 the exercise of reasonable diligence; AND

14 *(II)* AFTER ABANDONED OR RECOVERED PROPERTY HAS BEEN IN  
15 THE POSSESSION OF THE SHERIFF FOR A PERIOD OF 90 DAYS, NOTICE OF THE SALE  
16 OF THE PROPERTY SHALL BE GIVEN BY REGISTERED OR CERTIFIED MAIL TO THOSE  
17 PERSONS ENTITLED TO ITS POSSESSION AND TO THOSE LIENHOLDERS WHOSE  
18 NAMES AND ADDRESSES CAN BE ASCERTAINED BY THE EXERCISE OF REASONABLE  
19 DILIGENCE;

20 (2) The property may be sold at public auction after a description of the  
21 property and the time, place, and terms of the sale have been published in a  
22 newspaper of general circulation in the county in each of 2 successive weeks;

23 (3) The amount received from the sale of property in accordance with  
24 this section shall be distributed in the following order of priority:

25 (i) To the sheriff, in an amount equal to the expense of the sale and  
26 all expenses incurred while the property was in the sheriff's custody;

27 (ii) To lienholders in order of their priority; and

28 (iii) Subject to the provisions of item (4) of this subsection, to the  
29 general fund of the county; and

30 (4) At any time within 3 years from the date of the sale of the property,  
31 any person submitting satisfactory proof of the person's right to the possession of the  
32 property shall be paid, without interest, the amount distributed to the general fund  
33 pursuant to item (3) of this subsection, and after the expiration of 3 years from the  
34 date of the sale, any claims shall be absolutely barred.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2003.

